

AMENDMENTS TO THE DRAWINGS

The attached drawings include changes to FIGURES 1-6. The drawings replace the original FIGURES 1-6. The amended FIGURES 1-6 replace the "hand drawn" aspects that form the basis of the objections to in the Office Action on page 2, paragraph 1.

Attachment: Replacement Sheets 1-6 for FIGURES 1-6

Annotated Sheets 1-6 showing changes to FIGURES 1-6

REMARKS

Claims 7-9 are pending in the Application.

Claims 7-9 stand rejected.

Claims 7-8 are currently amended.

Claims 10-19 are currently added.

I. OBJECTIONS TO THE DRAWINGS

The Examiner has objected to FIGURES 1-6 due to "hand drawn" portions. Office Action mailed 08/10/2004, p. 2, paragraph 1. In response, Applicants currently submit replacement FIGURES 1-6. Applicants respectfully request that the Examiner withdraw the objections to FIGURES 1-6.

II. REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 7-9 stand rejected as anticipated by *Kristiansson* (U.S. Patent No. 5,489,783). Claims 7-8 are currently amended. Applicants respectfully traverse any remaining rejections.

A claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. MPEP § 2131. An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 545 (Fed. Cir. 1998). Further, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

Claims 7-8 are currently amended and recite limitations not disclosed by *Kristiansson*. For example, amended claims 7-8 recite, "wherein the cold cathode is substantially flat." The cathode of *Kristiansson* is round or cylindrical. See

Kristiansson, FIG. 1, item 3. *Kristiansson* does not disclose a substantially flat electrode. Therefore, claims 7-8 are patentable over *Kristiansson*.

Dependent claims 9 and 15-19 depend directly or indirectly from claim 8 and therefore recite the limitations of claim 8. Therefore, for at least the reasons stated above with respect to claim 8, claims 9 and 15-19 are also patentable over *Kristiansson* under 35 U.S.C. § 102(b). Likewise, claims 10-14 depend directly or indirectly from claim 7 and therefore recited the limitations of claim 7. Consequently, for at least the reasons stated above with respect to claim 7, claims 10-14 are also patentable over *Kristiansson* under 35 U.S.C. § 102(b).

Claims 10 and 15 are further allowable over *Kristiansson*. Claims 10 and 15 recite, "wherein the cold cathode comprises a plurality of carbon nanotubes." *Kristiansson* does not disclose a cold cathode that comprises a plurality of carbon nanotubes. Therefore, claims 10 and 15 are allowable over *Kristiansson* under 35 U.S.C. § 102(b).

Claims 12 and 17 depend from claims 10 and 15 (respectively) and are likewise allowable over *Kristiansson*. Further, claims 12 and 17 recite, "wherein the plurality of carbon nanotubes comprise single wall nanotubes." *Kristiansson* does not disclose any cold cathode comprised of single wall nanotubes. Therefore, claims 12 and 17 are allowable over *Kristiansson* under 35 U.S.C. § 102(b).

Claims 13 and 18 also depend from claims 10 and 15 (respectively) and are likewise allowable over *Kristiansson*. Further, claims 13 and 18 recite, "wherein the cold cathode comprises a mixture of amorphous carbon, graphite diamond, and fullerene-type carbon materials." *Kristiansson* does not disclose these elements. Therefore, claims 13 and 18 are allowable over *Kristiansson* under 35 U.S.C. § 102(b).

Claims 14 and 19 are allowable over *Kristiansson*. Claims 14 and 19 recite, "wherein the evacuated vacuum envelope is formed within a vessel" "wherein the vessel comprises a fifth wall coupled to the first, second, third, and fourth walls, wherein the cold cathode is coupled to the fifth wall, wherein the fifth wall is substantially parallel to the window." *Kristiansson* does not disclose these elements.

Instead, *Kristiansson* discloses a round shaped vessel with no fifth wall coupled to any cold cathode and parallel to the window. See *Kristiansson*, FIG. 1, Item 9. Therefore, claims 14 and 19 are patentable over *Kristiansson*.

Claims 11 and 16 are allowable over *Kristiansson*. Claims 11 and 16 recite, "wherein the cold cathode comprises amorphous diamond emitters." *Kristiansson* does not disclose these elements; therefore, claims 11 and 16 are allowable.

CONCLUSION

Kristiansson does not disclose every limitation of any of claims 7-19. Therefore, claims 7-19 are allowable and Applicants respectfully request the Examiner withdraw any remaining rejections. Also, the figures have been amended to overcome the Examiner's objections. As a result, the application with all claims and figures is in condition for allowance.

Applicants respectfully request the Examiner telephone Applicants' attorney at 512-370-2851 if the Examiner feels a teleconference would be useful in resolving any remaining issues.

Respectfully submitted,

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Serial No. 10/765,533
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Annotated Sheet Showing Changes

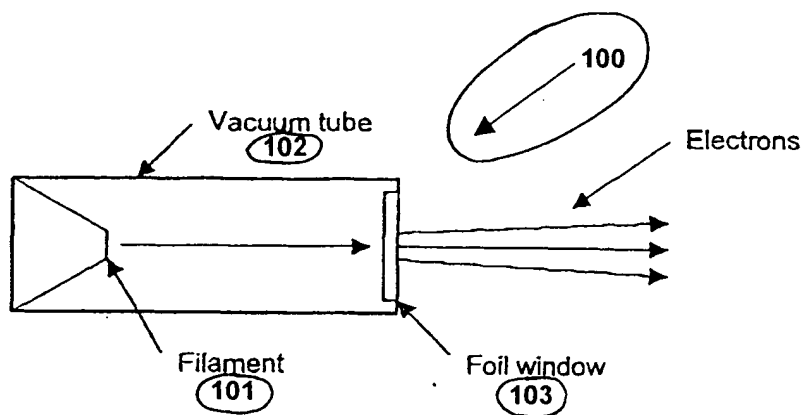


FIGURE 1

PRIOR ART

Changes are circled

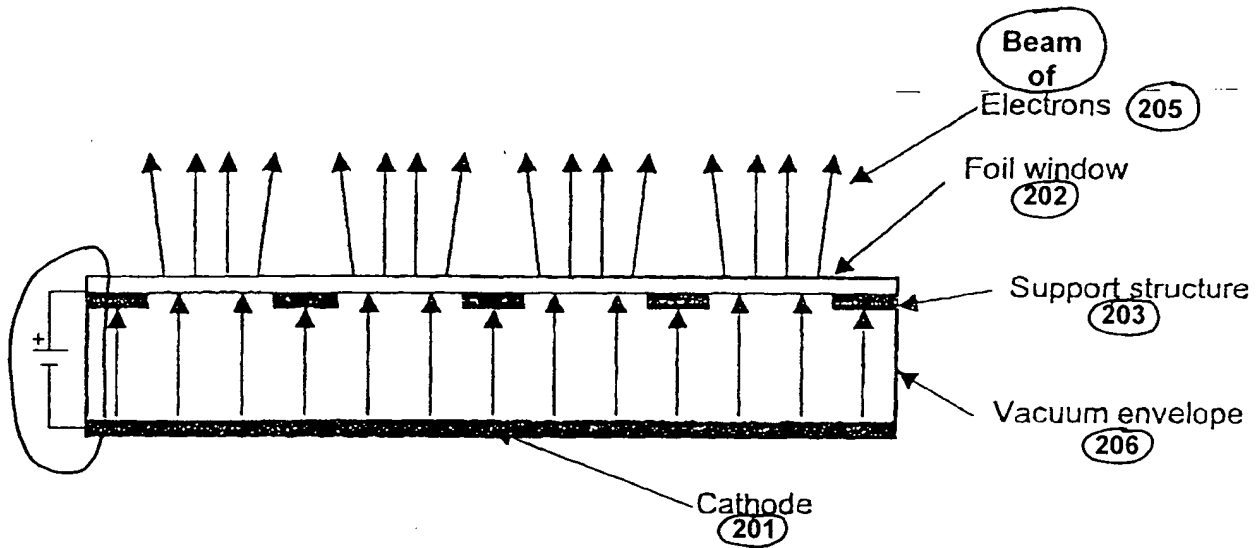


FIGURE 2

Changes are circled

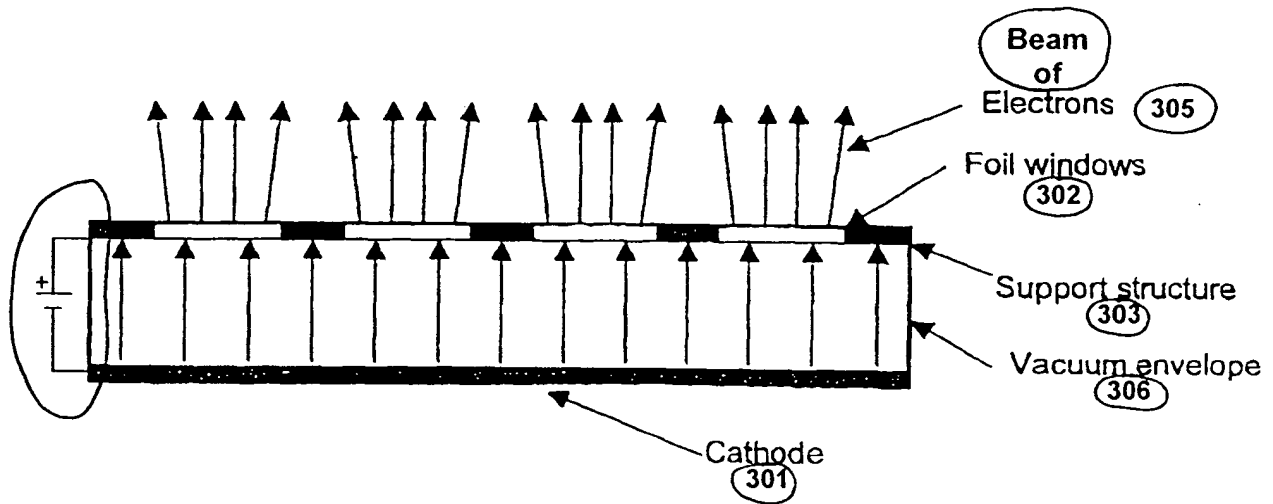


FIGURE 3

Changes are circled

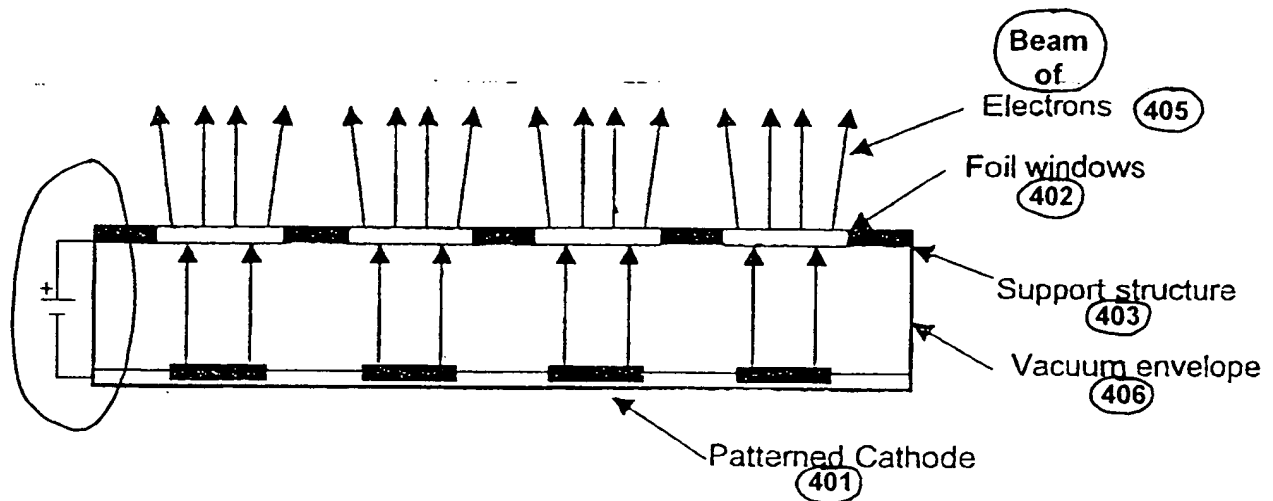


FIGURE 4

Changes are circled
The "+" sign has been moved to the left.

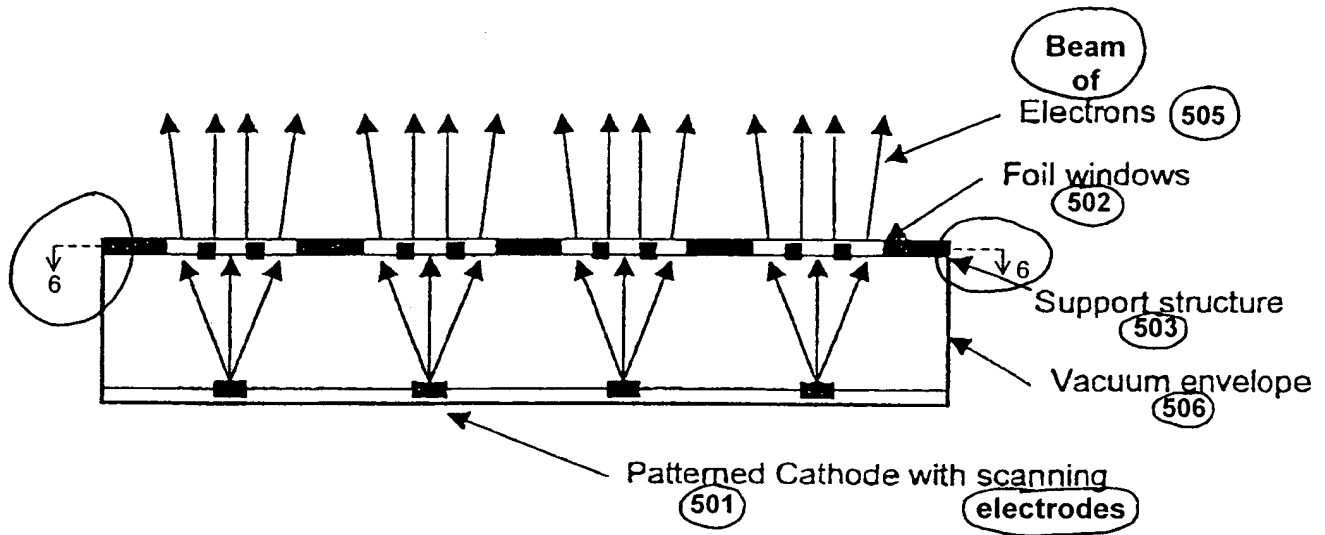


FIGURE 5

Changes are circled

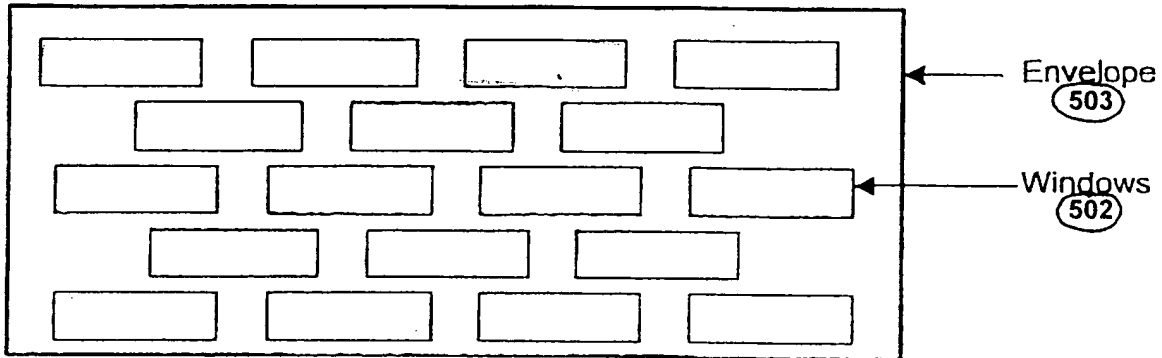


FIGURE 6

Changes are circled